

REMARKS

Reconsideration of the application is requested.

Claims 14-24 remain in the application. Claims 14-24 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 14-20 and 22-24 have been rejected as being obvious over U.S. Publication No. 2002/0199095 to Bandini et al. in view of U.S. Publication No. 2003/0109271 to Lewis et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Claim 14 defines a method for controlling and evaluating message traffic of a communication unit, which comprises the steps of:

transmitting all messages of the message traffic via a first network unit within a mobile radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing, or are to be blocked;

determining, via the first network unit with the aid of at least one item of the useful information of the communication unit, whether a particular

message of the message traffic is to be logged in a logfile by the first network unit;

assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit; and

allocating the user identity to an application of the communication unit.

Paragraph 0004 of Bandini discloses an e-mail relay between an e-mail network and a public network to scan incoming messages intended for local recipients of a computer network. This means that the messages come from the public network to the e-mail network of an enterprise.

Contrary to Bandini, the method defined by claim 14 is related mainly to the reversed transmission of messages from the communication unit to the network. This interpretation is supported in claim 14 by the wording "the first network unit deciding, ..., whether on or more of the messages are to be forwarded to a second network unit for further processing ... .

Paragraphs 0019, 0021, 0026, 0036, 0037 and 0039 of Bandini disclose the comparison of received e-mail attributes with known e-mail attributes of SPAM messages stored in the e-mail relay. The Examiner has alleged that these

attributes are items of useful information of the communication unit. Applicants do not agree with this interpretation because the attributes of e-mails received from the public network are not useful information of communication units transmitting messages to the network.

Further, paragraphs 0019, 0021, 0026, 0036, 0037 and 0039 of Bandini disclose three methods of handling received e-mails. Two thresholds are defined for handling the received e-mails - a borderline threshold and a SPAM threshold level. When the comparison score is below the borderline threshold, the received e-mail is clean and is forwarded to the E-mail server. When comparison is beyond the SPAM threshold level, the result indicates a SPAM e-mail and the e-mail is likely a SPAM message. In this case, the e-mail is blocked and the SPAM database is updated. When the comparison score is within the borderline threshold and the SPAM threshold, the received e-mail requires an additional evaluation for determining whether the received e-mail is a SPAM e-mail. This means that Bandini teaches a method for comparing e-mails received from a public e-mail network with a SPAM database to determine that the received e-mail is a SPAM (also see claim 1).

In contrast to the teaching in Bandini, the method defined by claim 14 relates to controlling messages that are transmitted from a communication unit or a terminal station to the network and specifically relates to "deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for

further processing, or are to be blocked". The essential differences between the solution in Bandini and the invention is that the messages are transmitted from the communication unit to the network and the information for deciding whether the message is forwarded for further processing, or is blocked is made on the basis of useful information from the communication unit and not from SPAM information in a SPAM database. The SPAM information is not information from the communication unit, but rather is from attributes of e-mails which are transmitted from the network.

Further, paragraphs 0019, 0021, 0026, 0036, 0037 and 0039 of Bandini disclose diverting an e-mail when the comparison score is below the SPAM threshold level and beyond the borderline threshold. The diverted e-mails are investigated and the result is either SPAM or is not SPAM. In contrast to claim 14, this handling of e-mails is not to equivalent to a determining, via first network unit with the aid of at least on item of the useful information of the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit. The method defined by claim 14 is related to messages which are transferred from other communication units and are logged in the first network unit, wherein the messages which are logged are determined by the useful information of the communication unit and not from the SPAM database. Further in the method defined by claim 14, the message is logged in a first network unit. In contrast, Bandini teaches that the messages are logged in an e-mail relay, which is not the first network unit seen from the communication unit or terminal station.

Even if there were a suggestion to combine the teaching of Bandini with that of Lewis, the invention as defined by claim 14 would not have been suggested for the reasons given above.

Furthermore, the Examiner has recognized that Bandini fails to explicitly recite “within a mobile radio system” and “assigning a specific set of the useful information in each case to a user identity, with the specific set of useful information being used to control and evaluate at least on message of message traffic on the communication unit; and allocation the user identity to an application of the communication unit”. The Examiner has alleged that Lewis teaches such a feature and that Lewis would have suggested modifying the teaching in Bandini.

Lewis teaches a telecommunication system for converting messages from a first format into a common format that is used between a first and a second device – see the abstract. Further paragraphs 0308 and 0309 are related to figure 24 and figure 1 and illustrate the mail transfer gateway 170 that is interfaced to the messaging infrastructure 100 – see paragraph 0289.

Applicants believe that this mail transfer gate is not a first network unit for a communication unit or terminals station within a mobile I radio system.

Therefore the solution disclosed in paragraphs 0308 and 0309 are not carried out in the first network unit as required by claim 14. Further, paragraphs 0308 and 0309 describe blocking e-mails that have been received from particular e-

mail addresses. A blacklist to deny service to purveyors of SPAM is provided to implement the blocking. The MTA is capable of detecting SPAM based on the content of the received e-mail by using a list of regular expressions. Further, an e-mail subscriber may be capable of altering his user profile to avoid receiving SPAM e-mails.

Similar to the explanation given above with regard to Baldini, an important difference between the solution in Lewis and the invention defined by claim 14 is that the messages are transmitted from the communication unit to the network and the information for a decision whether the message is forwarded for further processing, or is blocked is made on the basis of useful information from the communication unit and not from SPAM information in a SPAM database. The SPAM information is not information from the communication unit, but rather is from attributes or the content of the e-mails which are transmitted from the network.

The inventive method is not related to detecting and to blocking SPAM, but rather is related to control the message flow in the first network unit. The controlling is particularly related to messages which are transmitted from the communication unit to first network unit and the logging of messages is related to received messages, wherein this interpretation is supported by the embodiments related to authorization procedures initiated from the communication unit, respectively the terminal station. The logging of messages is not related to SPAM detecting and blocking.

Applicants respectfully do not agree with the Examiners argumentation that it would have been obvious to one of ordinary skill in the art to modify the teaching of Baldini by incorporating the teaching of Lewis for the purpose of improving the system versatility by providing a system that can interface with varied information providers, handle multi messages formats and direct queries for information to a number of different information sources.

The invention as defined by claim 14 would not have been suggested because the essential features of claim 14 are not disclosed in Baldini or in Lewis. Additionally, one of ordinary skill in the art considering Baldini and Lewis would not have been motivated to create the method defined by claim 14.

Applicants believe that the information provided above is also relevant for independent claims 23 and 24.

Under the heading "Claim Rejections – 35 USC § 103" on page 8 of the above-identified Office Action, claim 21 has been rejected as being obvious over U.S. Publication No. 2002/0199095 to Bandini et al. in view of U.S. Publication No. 2003/0109271 to Lewis et al. and further in view of U.S. Publication No. 2004/0203432 to Patil et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Applicants believe that even if it would have been obvious to have combined the teachings in the cited prior art, the invention as defined by claim 21 would not have been suggested for the reasons given above with regard to claim 14 and the teachings in Bandini et al. and Lewis et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 14, 23, or 24. Claims 14, 23, and 24 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14.

In view of the foregoing, reconsideration and allowance of claims 14-24 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.



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Respectfully submitted,

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